

29

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT SOUTHERN DIVISION MICHIGAN

---

CITIZENS FOR JUSTICE,  
ARTHUR J. ROUSE, DANE ISCARO,  
BRADLEY HUNT, REX BARTHOLOMEW, III,  
CEDRIC DEWEESE, ANTHONY TAIT,  
CHRISTOPHER BRIGHTON, ROSS E. WHEELER,  
MARSHALL BRAULT, Frank Kennedy  
DAVID J. PEELMAN, & Michael Vance  
ALL OTHERS SIMILARLY SITUATED,  
PETITIONERS,

V

UNITED STATES ATTORNEY GENERAL  
WILLIAM BARR,  
STATE ATTORNEY GENERAL  
DANA NESSEL,  
MICHIGAN GOVERNOR GRETCHEN WHITNER,  
STATE LEGISLATORS HOUSE SPEAKER  
LEE CHATFIELD AND  
SENATE LEADER MIKE SHIRKEY,  
IN THEIR OFFICIAL CAPACITY  
RESPONDANTS.

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Case:2:19-cv-13468  
Judge: Michelson, Laurie J.  
MJ: Whalen, R. Steven  
Filed: 11-22-2019 At 08:20 AM  
PRIS CITIZENS FOR JUSTICE, ET AL. V  
BARR, ET AL. (af)

No envelope included (NA)

WRIT OF MANDAMUS AND/OR  
COMPLAINT FOR INJUNCTIVE & DECLARATORY RELIEF

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        c) Moral Laws

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        b) Civil Rights Law; &

        c) Court Filing Fees.

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## I. INTRODUCTION:

This case involves Michigan Laws, most of which have been ruled unconstitutional by:

1. Mich. Courts, *People v Bricker*, 389 Mich 524, 530 (1973) Abortion Laws MCL 750.14;
2. Sixth Circuit Court, *Cliffon v Carpenter*, 775 F3d 708, 709 (6th Cir 2014), filing fees MCL 600.2963;
3. US Supreme Court, *Obargefell*, 135 SCt 2584, 2617 (2015) Marriage Amendment Mich. Const (1963) Art 1, Sec 25;
4. US Supreme Court, *Lawrence v Texas* 539 US 558, 580 (2003) Decency Laws - (Cohabitation, Etc.) MCL 750.335, 750.158, 750.338 338a, 338b.

The Petitioners are simply requesting these laws be repealed so the State of Michigan does not prosecute any more people - nor use them against another Mich. Citizen as they have been doing.

They are not asking for any monetary damages - simply injunctive relief to repeal those unconstitutional Laws.

## II. JURISDICTION:

1. This Court has jurisdiction over the Petitioners claims of violation of Federal Constitutional rights under 28 USC 1331 (Temporary Restraining Order).

2. This Court also has supplemental jurisdiction over the Petitioners claims of violating the States oath to both Constitutions, see 28 USC 1367, and 1361 - to compel official (Oath Violation)

3. This Court also has jurisdiction for Declaratory Relief pursuant to 28 USC 2201, and 2202 (Declaratory Ruling); Federal Purpose of this act to dispel difficulties involving injunctive relief against unconstitutional State Laws. See *Steffel v Thompson*, 415 US 452, 466 (1994)

4. In addition, this Court also has authority over all civil rights violations according to 42 USC 1983, and Fed. Rules of Civil Procedure 65.

5. The Court also has authority for writ of mandamus pursuant to the all writs act of 28 USC 1651 and common Law.

6. Also incorporated by reference herein the Declaration of the United States see *Obergefell supra*, at 2639, *Slaughter House Case* 83 US 36, 115 and *Law Review Article* 111 Penn. St. L. Rev. 413 (2006)

### III. PARTIES:

#### A. PETITIONERS (Citizens' for Justice)

1. Arthur J. Rouse, #274237, SMT Correctional Facility;
2. Dane Iscaro, #324657, SMT Correctional Facility;
3. Bradely Hunt #355731, SMT Correctinal Facility;
4. Rex Bartholomew III, #825538, SMT Correctional Facility;
5. Cedric Deweese, #964465, SMT Correctinal Facility;
6. Anthony Tait, #206398, SMT Correctinal Facility;
7. Christopher Brighton #296161, SMT Correctinal Facility;
8. Ross Wheeler, #182464, Rode Out
9. Marshall Brault #805281, SMT Correctinal Facility;
10. Frank Kennedy, #846907, Released from Prison
11. David Peelman #526735, SMT Correctinal Facility;
12. Michael Vance #501288, SMT Correctinal Facility;
13. Theodore Visner, #526348, SMT Correctinal Facility;
14. Daryl Johnson, #951600, SMT Correctinal Facility;
15. Kenneth Hensley #585955, SMT Correctional Facility;
16. Albert Robinson #608312, SMT Correctional Facility;
17. Ryan Zerbe #575840, SMT correctional Facility
18. Ryan Edenbuen #512827 SMT Correctional Facility
19. Donald David Helton, Jr. #304381, SMT Correctional Facility
- 20.

Note; This suit also represents all other similarely situated citizens as petitioners.

#### B. RESPONDENTS

1. William Barr, U.S. Attorney General  
(202) 514-200  
950 Pennsylvania Ave. NW.  
Washington, DC 20530
2. Gretchen Whitmer, Michigan Governor  
(517) 373-3400  
111 S. Capital Ave.  
Lansing, MI 48903
3. Dana Nessel, Michigan Attorney General  
(517) 373-1110  
G. Mennen Williams Bldg. 7th Fl. 525 W. Ottawa  
PO Box 30212, Lansing, MI 48909

4. Lee Chatfield, Michigan House Majority Leader  
(517) 373-2629  
124 N. Capitol, PO Box 30014  
Lansing, MI 48909-7514
5. Mike Shirkey, Senate Majority Leader  
(517) 373-5932  
State Capitol, PO Box 30036  
Lansing, MI 48909-7536

Note: This suit is in their Official Capacities.

#### IV. FACTUAL ALLEGATIONS:

1. All of the below listed laws and Constitutional Amendments are still on the Michigan law books in violation of the US Constitution.

2. Many of these laws are being enforced directly and indirectly contrary to the US Constitution as established by the US Supreme Court and other courts therein.

3. This "IS NOT" a prison litigation suit, it is strictly a case for declaratory, injunctive & mandamus relief.

4. The Exhaustion Requirements and fees of the Prison Litigation Reform Act ("PLRA") should not apply to this case.

5. If this Honorable Court decides the fees do apply the Petitioners are requesting the fees be withheld until the outcome of the case.

6. Petitioner Arthur J. Rouse, Dane Iscaro and others have filed requests for Declaratory Relief to the following offices:

- a) US Attorney General Bill Barr;
- b) State Attorney General Dana Nessel;
- c) House Majority leader Lee Chatfield;
- d) Senate Majority Leader Mike Shirkey; and
- e) Governor Gretchen Whitmer. See Exhibit A & B.

7. The following laws have been ruled unconstitutional by state and federal courts:

a) Cohabitation (MCL 750.335) see  
Lawrence v Texas, 539 US 558, 578 (2003);

b) Abortion (MCL 750.14) see  
Roe v Wade, 410 US 113, 120 (1974);

c) Marriage (Mich. constitution (1963) art 1, Sec. 25, see  
Obergefell v Hodges, 135 SCt 2584, 2617 (2015);

d) Decency Laws (MCL 750.158, 750.338, 750.338a & 750.338b see Lawrence supra,

e) Court Filing Fees (MCL 600.2963) see Clifton v Carpenter, 775 F3d 760, 767 (6th Cir 2014);

f) Registration Laws (MCL 28.721a) see Doe v Snyder , 834 F3d 696, 698 (6th Cir 2016) Cert. denied;

g) Civil Rights (MCL 37.2101) see Does v DOC, 323 Mich App 479, 489 (2018).

8. In addition, these laws like cohabitation are being enforced directly and indirectly by:

a) Landlords denying tenants from renting or leasing, see McCreedy v Hoffius, 222 Mich App 210, 216 (1999);

b) Termination from employment, see Briggs v Muskegon Police dep't, 563 F Supp 585, 588 (ED Mich 1983);

c) In divorce cases, see Muller v Muller, 474 Mich 1074, 1075 (2006);

d) Denial from country clubs, see Veenstra v Washtenaw Country Club, 466 Mich 155, 158 (2002); and

e) In criminal prosecutions, 2002 Mich App Lexis 835 note 3.

9. This not only violates the Due process Clause of the 14th Amendment as stated in Lawrence supra, it also violates the 1st Amendment under the Disestablishment Clause because it is a form of religion. See law review article titled: The Disestablishment Clause: why Lawrence is a 1st Amendment case, 91 NY L Rev 1794 (2016).



10. The Michigan Supreme Court ruled that they analyze the religious side of the Civil Rights Act under the compelling state interest test developed by the U.S. Supreme Court in *Wisconsin v Yoder*, 406 US 205, 214-30 (1972).

11. The "Test" has five elements: "(1) whether a defendants' belief, or conduct motivated by belief, is sincerely held; (2) whether a defendants' belief, or conduct motivated by belief is religious in nature; (3) whether a state regulation imposes a burden on the exercise of such belief or conduct; (4) whether a compelling state interest justifies the burden imposed upon a defendants' belief or conduct; and (5) whether there is a less obtrusive form of regulation available to the state. "McCready v Hoffius, 458 Mich 131, 144 (1998), Rev on other grounds.

12. At least two of the named Petitioners have been charged with some of the above unconstitutional laws. This includes but not limited to: Petitioner Rouse and Petitioner Deweese:

a) *People v Rouse*, Grand Traverse Circuit Court #15-12184-FH and appealed to both the appeal courts;

b) *People v Deweese*, Shiawassee County Circuit Court case #18-3010-FH.

13. All of the Petitioners have been effected by most of these unconstitutional laws - directly and indirectly from denied housing to denied employment and/or faced possible criminal charges.

14. Therefore, all of the Petitioners have standing to challenge these unconstitutional laws.

## STANDARD OF REVIEW

### A. Writ of Mandamus

The conditions for issuance of a writ of mandamus are:

"(1) the party seeking issuance has no other adequate means to attain the relief he desires, (2) he satisfied the burden of showing that his right to issuance is clear and indisputable, and (3) issuance of the writ is in large part a matter of discretion with the court to which the petition is addressed." *Kerr v US Dist. Court for Northern Dist.*; 426 us 394, 404 (1976).

The Common Law Writ of Mandamus is a drastic one to invoke only in extraordinary situations. *Kerr supra* at 402 and 28 usc 1651 (All Writs Act).

Please take judicial notice that many federal and even state courts have ruled the above laws are unconstitutional - but are still being utilized directly and indirectly.

As stated above under exhaustion of state remedies, the petitioners have sought declaratory rulings with the state officials.

As a litigant can file a 42 usc 1983 under the Taking Clause, the Petitioners seek compelling of the state officials to fulfill their oath to the US Constitution. See *Knick v Twp. of Scott*, 138 SCT 2162, 2170 (2019) and US Const. art VI, C13 (Oath to Office).

The oath Governor, Attorney General and Legislators took is mandatory - not discretionary. They are clearly enforcing laws that have been ruled unconstitutional which is in direct violation of their oath and they need to be enjoined.

### B. Injunctive Relief

The Anti-Injunctive Act (28 USC 2283) has three exceptions. 42 USC 1983 comes within the "expressly authorized" exception

of the anti-injunction statute." *Mitchum v Foster*, 407 US 225, 231 (1972).

The Mitchum Court went on to describe state laws that are "flagrantly and patently violative of express Constitutional prohibitions, "401 U.S. at 53" *Mitchum supra*.

All of the above and below cited laws have been ruled unconstitutional - directly and indirectly by state and federal courts - all the way to the U.S. Supreme Court.

Injunctive relief is warranted because these laws are unconstitutional and are still being enforced today including criminal prosecution.

These laws are also being enforced indirectly by denying housing, employment, membership of various clubs, etc.

Petitioner DeWeese and Rouse are incarcerated over these unconstitutional laws in direct violation of the 14th Amendment Due Process Privacy rights and Equal Protection. *Lawrence v Texas*, 538 us 558, 569 (2003).

#### C Exhaustion

Numerous petitioners have filed declaratory requests to the above office respondents. See Exhibits A-1 (Declaratory Requests).

Petitioner Rouse appealed his convictions all the way to the US Supreme Court.

Petitioner DeWeese also appealed his unconstitutional charges. See Exhibit C (Appeal to Trial court and Interlocutory Appeal to both appeal courts).

## COMPLAINT FOR MANDAMUS & INJUNCTION

Count One (Decency Laws);

- a) Cohabitation, MCL 750.335;
- b) Adultery, MCL 750.30; &
- c) Decency Laws, MCL 750.158, 750.338, et seq

1. The Decency Laws are unconstitutional and have been ruled the same by the US Supreme Court, Lawrence supra.

2. In addition, these decency laws are a form of religion not predicated on any government interest.

3. Therefore, the above cited decency laws are a violation of the First Amendment under the Disestablishment Clause.

4. This issue is summerized in Law Review titled: Why Lawrence is a First Amendment case 91 N.Y.U.L Rev 1794 (2016).

5. In addition, the above decency laws violate the Eighth Amendment when applied to consensual sex acts with adults.

6. Incorporated by reference is the law review titled: using the Eighth Amendment to strike down criminal punishment for engaging in consensual sexual acts, 82 NCL Rev 723 (2004).

Count Two (Abortion Law, MCL 750.14)

1. Michigan still has abortion law on the books and they are enforcing them contrary to the ruling of the U.S. Supreme Court in Roe v Wade, 410 U.S. 113 (1974).

2. Under the U.S. Constitution Supremacy Clause (art VI, cl 2) the Michigan government and the Respondants are bound to it.

3. The Respondants and all government officials are also bound to an oath they must take to the U.S. Constitution and they have violated it by enforcing these unconstitutional laws, U.S. Constitution art VI Sec 3.

4. Michigan is still prosecuting citizens for this crime in violation to Roe supra and their oath to follow the constitution. People v Higuera, 244 Mich App 429 (2001).

5. The Michigan courts and legislators as a whole refuse to follow US Supreme Court president in violation of Stare Decisis Crosby 530 us 363, 372 (2006).

6. The Michigan Law shifts the burden of proof of innocence to the Defendant. See People v Bricker, 389 Mich 524 (1973). and MCL 750.14.

Count Three (Marriage Amendment)

1. The Michigan Constitution has amended the definition of marriage which is now in opposition to the US definition. See *Obargefell*, 135 Sct 2584 (2015) and Mich. Const. (1963) art 1 Sec 25.

2. The above Michigan Constitution Amendment forbids same sex marriage and contradicts the *Obargefells'* courts rulings.

3. The Michigan and the Respondants should be ordered to repeal the above cited Michigan Constitution Amendment.

4. As cited in Count Two, incorporated herein by reference, the Michigan state officials including the Respondents have violated their oath to the US Constitution by failing to follow the US Supreme Court precedence.

Count Four (Registration Laws, MCL 28. )

1. Michigans' registration laws have been ruled unconstitutional under the Ex Post Facto Clause and ordered to be approved by the District Court. See Doe v Snyder, 834 F3d 696 (6th Cir 2016) Sert denied.

2. The same District Court gave the Michigan legislators a 90 day window to amend the unconstitutional parts of the registration law and they ignored it.

- as they do with their unconstitutional laws. See Does II, cited in Lewis; 2018 us Dist. Lexis 113841.

3. Michigan leads the country as the most punitive state in the union - setting many records.

4. In 2008, Michigan set the record of the most incarcerated per capital (52,000 prisoners with less than ten million people).

5. Incorporated by reference and the violations the Respondants have made to their oath to follow the Constitution and the rulings which compell them to comply with the Constitutional mandates.

Count Five (Prisoner Rights Violations)

- a) State Civil Rights Laws, MCL 37.2101
- b) State FOIA Laws, MCL 15.231
- c) State Court filing fees, MCL 600.2963

1. Michigan has a history of not following the Constitution on the Rule of Law.

2. Michigan's Civil Rights Law which denied prisoners the right to file in state court under the Elliot-Larsons Civil Rights Law was ruled unconstitutional under the 14th Amendment. See *Does v Doc*, 323 Mich App 479 (2018) Lu denied 928 NW2D 214 (2019).

3. This unconstitutional law is still on the books as is the above FOIA Law barring prisoners from filing FOIA requests.

4. The above state PLRA is unconstitutional according to the Michigan Supreme Court and the federal courts in Ohio have ruled the same for a similar statute that forbids additional civil case filing or appeals until the fee is fully paid. See *Guzmen*, 844 NW2D 127 (2014) & *Clifton v Carpenter*, 775 F3D 760, 767 (6th Cir. 2014).

5. Incorporated by reference herein are the Exhibits cited and motions

DISCLAIMER: If the prisoner rights issues restrict this court filing in any way - the Petitioners voluntarily wave those issues herein.



Count Six (Mich. refuses to follow the Law)

1. The Michigan officials have a long history of violating the civil rights of her citizens.

2. This includes violating court orders and disregarding the law.

3. The Michigan Supreme Court is involved in judicial activism - annulling previous published cases - including US Supreme Court rulings. See Mich. Court Rule 7.215(J).

4. In addition, the Michigan Supreme Court has been involved in clear judicial activism according to various legal scholars. See Law Reviews: 2008 u I11 L Rev 911 & 66 A15 L Rev 871 (2003).

5. Also, see the US Department of Justice Lawsuit against the MDOC, Haddix v Johnson, 933 F Supp 1362 (WD Mich. 1996), the longest prison lawsuit in history, Cain v DOC 451 Mich 470 (1996), denied of appeal attorney Halbert v Mich. 125 Sct 2582 (2005).

The above information is given under penalty of perjury to the best of our knowledge information and belief.

## RELIEF REQUESTED

Wherefore, the Plaintiffs request this honorable Court will grant the Mandamus Relief to order the Respondants to repeal the unconstitutional laws in Michigan.

In the alternative, appoint counsel, order a policom hearing for oral arguments and any other relief deemed appropriate.

Respectfully submitted,

1. 9-11-19  
Dated

Arthur J. Rouse  
Arthur J. Rouse

2. 9-15-19

Dane Iscaro  
Dane Iscaro

3. 11-3-19

Bradley Hunt  
Bradley Hunt

4. 11-3-19

REX BARTHOLOMEW III 825538  
Rex Bartholomew

5. 10/5/19

Cedric Deweese  
Cedric Deweese

6. 11-4-19

Anthony Tait  
Anthony Tait

7. ~~10-5-19~~ 10/5/19

Christopher Brighton  
Christopher Brighton

8. 10-5-19

Ross E. Wheeler 182464  
Ross Wheeler

9. 10-10-19

Marshall Brault  
Marshall Brault

10. 10-6-19

Frank Kennedy  
Frank Kennedy

11. 10-14-19

David Peelman  
David Peelman

12. 10/15/19

Michael Vance  
Michael Vance

13. 10/15/19

Ted Visner  
Ted Visner

14. 11/14/19

Daryl Johnson  
Daryl Johnson

15. 11/14/19

Kenneth Hensley  
Kenneth Hensley

16. 11-16-19

Albert Robinson  
Albert Robinson

17. 11/17/19

Ryan Zerbe  
Ryan Zerbe

18. 11/17/19

Ryan Edenbuen  
Ryan Edenbuen

19. 11/17/19

Ronald Helton  
Ronald Helton

20. \_\_\_\_\_

\_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT COURT, SOUTHERN DIVISION MICHIGAN

CITIZENS FOR JUSTICE, ET AL.,

Petitioners,

v.

U.S. & STATE ATTORNEY GENERAL ET AL,  
Respondants.

Case # \_\_\_\_\_

HON. JUDGE \_\_\_\_\_

HON. MAG. \_\_\_\_\_

Arthur J. Rouse, 274237  
Lead Pro-se Counsel for Petitioners  
SMT Correctional Facility  
1780 E. Parnall Road  
Jackson, MI 49201  
www.Jpay.com (email)

William Barr, US Attorney General  
Lead Counsel for Respondants  
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Washington, DC 20530  
(202) 514-2000

Dana Nessel, Mich. Attorney General  
Counsel for Michigan Respondants  
PO Box 30212  
Lansing, MI 48909  
(517) 373-1110

EXHIBIT LIST

A-1 (US ATTORNEY GENERAL DECLARATORY RULING REQUEST)

A-2 (US CONSTITUTIONAL LAW SUMMARY)

A-3 (LETTER TO GOVERNOR GRETCHEN WHITMER)

B-1 (ATTORNEY REQUEST LETTER)

C-1 (CEDRIC DEWEESE APPEAL LETTER)

TO: Bill Barr, U.S. Attorney General's Office

FROM: A.J. Rouse, 274237 -Citizens' for Justice  
SMT Correctional Facility; Jackson, Michigan

RE: Request for Declaratory Ruling on Unconstitutional Laws  
-We will be filing Class Action in Federal Court

Dated: October 4th, 2019

Attorney General,

Michigan has many laws on their books that have been ruled unconstitutional by the Federal and U.S. Supreme Court. They are still enforcing them - directly and indirectly with criminal prosecution. Myself and others have been charged and/or convicted and it is time to order them repealed.

We will be filing a writ of Mandamus in the Eastern District for Declaratory and injunctive relief. We are also petitioning the top Michigan Constitutional Attorneys and Law Professors for their legal Representation in this matter.

I am including a summary of these laws and cases that show they are unconstitutional.

Thank you for your valuable time in this matter.

Sincerely,

  
Arthur J. Rouse

CC: Gretchen Whitmer, Mich. Governor  
Dana Nessel, Mich. A.G.  
Mike Shirkey, Mich. Legislature

ENCLOSURE: Michigans Unconstitutional laws

## \*\*\* U.S. &amp; STATE ATTORNEY GENERAL \*\*\*

## REQUEST FOR DECLARATORY RULING - UNCONSTITUTIONAL LAWS

(by A.J. Rouse, 9-11-19)

**OVERVIEW:** Michigan has numerous laws on their books that are unconstitutional. Many of these laws are being enforced - directly and indirectly contrary to U.S. Supreme Court rulings in direct violation to the legal oaths they took to both Constitutions. The following are summaries of those laws & cases:

- I. COHABITATION:** MCL 750.335 (cohabitation or lewdness) - unmarried couple shackled up or perversion - 1 year in jail;
1. Used by landlords to discriminate; McCreedy, 459 Mich 1235 (1999);
  2. Used to terminate from work; Police Dept, 563 F Supp 585 (ED Mich 1983)
  3. Used in diverse cases; Muller, 474 Mich 1074, (2006);
  4. Used to deny country club; Veenstra, 466 Mich 155 (2002);
  5. Used in criminal cases; P v Rockey, 2002 Mich App Lexis 835 NT3;
    - (A) Violates Due Process - Lawrence, 539 us 558 (2003)
    - (B) May violate 8th Amd. Law Review: 82 NCL Rev 723 (2004)
    - (C) May violate 1st Amd. Law Review: 91 NYUL Rev 1794 (2016) & 28 Colum J Gender & L 229 (2015).
- II. ADULTERY:** MCL 750.30 (5 year felony - up to life in prison)  
 - prosecutors can enforce these laws if they do not like the person there is also a stigmatism even if there is no charges
1. As stated in the above cases - a person can be discriminated against if they are committing adultery - so many people have standing;
  2. Criminal charges; People ("P") v Hiquery, 244 Mich App 429 (2000);
  3. Law must have a compelling state interest per stare decisis  
 McCreedy, 459 Mich 1313 (1998), (for the state to enact the law);
    - (A) It is being done as a religion in direct violation of the Establishment Clause - see above law review article;
    - (B) this may also violate the 8th & 14th Amendment - see above;
- III. ABORTION:** MCL 750.14 (5 year felony up to life with the habitual)
1. Michigan still prosecuting abortion; P. v Higuera, 244 Mich App 429 (2001);
  2. The burden shifting language in the statute has been ruled unconstitutional - but they are still using it; P. v Bricker, 389 Mich 524 (1973);
  3. Criminal conviction - drug abortion; P. v Williams 2019 Mich App lexis 619;
    - (A) Violates due process per Roe v Wade, 410 U.S. 113 (1974);
- IV. MARRIAGE AMENDMENT:** Mich. Constitution (1963) art 1, Sec. 25  
 - defines marriage as with a man and woman only (no same sex);
1. This violates due process per Obergefell, 135 Sct 2584 (2015);
    - (A) the US Supreme Court issued injunctive relief in a Michigan case but the law (Const.) is still on the book;
    - (B) Michigan believes they are above the law and this proves that statement;
- V. DECENCYLAWS:** MCL 750.338, 338a, 338b, & 750.158
1. Michigan still prosecutes abortions; P v Higuera, 244 Mich App 428 (2001).
  2. Burden shifting language in statute has been ruled unconstitutional but still used, P v Bricker, 389 Mich 524 (1973).
  3. Criminal conviction (drug abortion) P v Williams, 2019 Mich App Lexis 619.
    - (A) Violation of Due Process per Roe v Wade, 410 us 113 (1974).

- V. DECENCY LAWS: MCL 750.338, 338a, 338b, & 750.158
1. Life in prison; P. v Arnold, 502 Mich 438 (2018);
  2. Man & woman; P. v Graig, 2010 Mich App Lexis 1885;
  3. Same sex; P. v Bowne; 2014 Mich App Lexis 2077;
    - Michigan is still prosecuting these laws after Lawrence;
    - (A) Ruled unconstitutional; Lawrence v Texas, 539 US 553 (2003);
    - (B) May violate the 1st & 8th Amendment (see above argument);
- VI. COURT FILING FEE: MCL 600.2963 (Mich PLRA)
1. Ruled unconstitutional - same law as Ohio had
    - Clifton v Carpenter, 775 F3d 760, 767 (6th Cir. 2014);
    - they quoted Smith, 365 US 708, 709 (1961) for authority;
  2. It's unconstitutional; Jackson, 2019 Mich App Lexis 5376;
  3. Unconstitutional in part; Guzman, 844 NW2d 127 (2014);
    - (A) As stated in Clifton & Smith supra - it violates the 14th Amendment under equal Protection;
- VII. SUPREMACY CLAUSE: U.S. Constitution, art VI, cl. 2
1. The Supremacy Clause of the US Constitution supersedes states authority per Crosby, 530 US 363, 372 (2006);
  2. Per 6th Circuit; Yates, 808 f3d 281, 293 (6th Cir. 2015);
  3. per Mich. Supreme Court; p. v Bricker, 389 Mich 524 (1973);
    - (A) US Constitution is law of the land (except in Michigan);
- VIII. MICH JUDICIAL ACTIVISM: Mich. Court Rule 7.215(J)
- the above rule lets the courts disregard cases pre 1990 which is open and public judicial activism;
  - 1. This violates state and federal due process and stare decisis;
  - 2. See Burnet, 285 US 393, 406 (1932) & McCormick, 487 Mich 180 270 (2010);
    - (A) See law review articles showing Michigan's corruption & activism: 2009 U Ill L Rev 911, 66 Alb L Rev 871 (2003);
- IX. OATH TO CONSTITUTIONS: all government officials must take oath
1. To uphold the Constitution (US Const. art VI, Sec 3);
  2. To uphold both Constutions (Mich. Const. (1963) art XI, Sec. 1);
  3. State law also requires an oath (MCL 4.84); and
  4. Lawyers also take an oath-- (Mich. Bar Rule 15);
- X. MICHIGAN'S VIOLATION HISTORY:
- Michigan has a long history of violation prisoner's rights, court orders and civil rights;
1. Haddix v Johnson, 933 F Supp 1362 (WD Mich 1996) file by the US Dept. of Justice against the MDOC;
  2. Cain v MDOC, 451 Mich 470 (1996) longest prison lawsuit in the history of the world!
  3. Halbert v Michigan, 125 Sct 2582, (2005) denied appeal attorney;
- XI. REGISTRATION LAWS: Violated ex post facto laws
1. Doe v Snyder, 834 F3d 696 (6th Cir. 2016);
  2. Also see Lewis, 2018 US Dist Lexis 113841 - Does II supra
- XII. EQUAL PROTECTION: Civil rights act MCL 37.2101
1. Prison rapes; Does v DOC, 323 Mich App 479 (2018) Lv denied 928 NW2d 214 (2019);
  2. Same argument for prisoner FOIA requests MCL 15.231

To: Honorable Gretchen Whitmer, Mich. Governor  
From: A.J. Rouse, 274237, SMT Correctional Facility  
Re: Request for Declaratory Ruling on Unconstitutional Laws  
Dated: October 9, 2019

Dear Governor,

I am requesting a Declaratory Ruling on a dozen of Michigan Laws that are unconstitutional, still being enforced - directly and indirectly. The laws have directly effected me and many others here.

I have contacted the US and State Attorney General and requested do ruling on those laws. The laws need repealed. ASAP!

QUESTION ONE

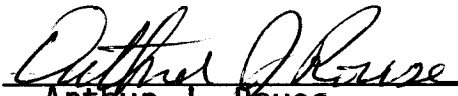
Is it lawful to keep laws on the books that have been ruled unconstitutional by state and federal courts?

QUESTION TWO

Is it a violation of the Constitutional Oath to Office to keep and enforce unconstitutional laws in the state of Michigan?

Thank you for your valuable time in this matter.

Respectfully submitted,

  
Arthur J. Rouse

cc: Mike Shirkey Senate Majority Leader  
Lee Chatfield, House Majority Leader

ENCLOSURE



Arthur J. Rouse, #274237  
SMT Correctional Facility  
1790 E. Parnall Road  
Jackson, MI 49201  
www.Jpay.com (Email)

November 18, 2019

Miriam J. Aukerman  
ACLU Attorney

RE: Legal Assistance in Class Action Suit, Citizens for Justice  
- help starting a non-profit to finance the legal fees

Dear Attorney,

A dozen prisoners and some who were released have filed a proposed class action lawsuit for injunctive relief against state officials for having laws on the books which have been ruled unconstitutional and still enforcing them - directly and indirectly. See Citizens for Justice v Attorney general, ED Detroit Michigan.

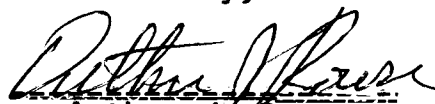
We are also requesting help from the ACLU's main office, LAMBDA, etc. We would like to start a non-profit to fund the legal fees in this case. We are only requesting injunctive relief by way of a mandamus to compel the Respondants to follow the law and the oath they took to the Constitution.

As soon as we get the case number we will be submitting numerous press releases to liberal media outlets and prisoner friendly reporters. We are not looking for any monetary relief. See Rouse, et al, v Caruso, et al, ED Mich. (prison lawsuit case that went on for almost ten years - was the primary pro-se litigent).

Please feel free to pass this letter on to any other attorneys or legal organizations that may help with this endeavor

Thank you for your valuable time in this matter.

Sincerely,

  
Arthur J. Rouse

cc: file

ENCLOSURE (Dec. Ruling Request)

Exhibit B-1

Cedric R. DeWeese, #964465  
SMT Correctional Facility  
1790 E. Parnall Road  
Jackson, MI 49201  
www.Jpay.com (email)

October 25, 2019

Honorable Matthew J. Stewart  
Shiawassee Circuit Judge

Jerome W. Zimmer, Jr.  
Chief Clerk - Court of Appeals

RE: Filing of standard 4 Brief from Pro-se Trial Court Motion  
- People v DeWeese, case #18-3010-FH

Dear Judge & Clerk,

I have requested my appellant counsel file a standard 4 Brief (Adm. Order 2004-6) of my Pro-se motion challenging the constitutionality of my charge and conviction. I am also challenging the unlawful recording of the public bathroom which violated my right to privacy that was illegally used as fruits of the poisonous tree as stated below.

Issue One (Unconstitutional Law)

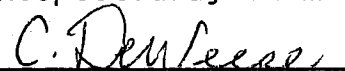
MCL 750.338 is unconstitutional as established by Lawrence v Texas, 539 us 558 (2003). It also violates the 1st Amendment as establishing a religion for their moral beliefs instead of a compelling state interest under Hiquery (244 Mich App 429) which violates the dis-establishment clause. See Law Review 91 NYU L Rev 1794 (2016) & 28 Colum J Gender & L 229 (2015). It may also violate the 8th Amendment. See Law Review Article 82 NC L Rev 723 (2004).

Issue Two (Privacy Rights)

Michigan citizens have privacy rights under the State and US Constitution - even in public bathrooms which cannot be recorded and became fruit of the poison tree. All parties were consenting adults. See People v Dezek, 107 Mich App 78, 85-6 (1981). The 750.338 conviction was dismissed.

Thank you for your valuable time in this matter.

Respectfully Submitted

  
Cedric R. DeWeese

Prosecuting Attorney  
cc: MAACS Senior Attorney  
Lambda Organization  
Michigan supreme Court Interlocutory Appeal

ENCLOSURE

Exh. C-1

Dane Iscaro, #324657  
SMT Correctional Facility  
1790 E Parnall Road  
Jackson, MI 49201  
www.Jpay.com (email)

November, 18 2019

Court Clerk  
US ED Court  
Detroit Michigan

Re: Filing a new civil case on unconstitutional laws  
Citizens for Justice vs US Attorney General, et al,

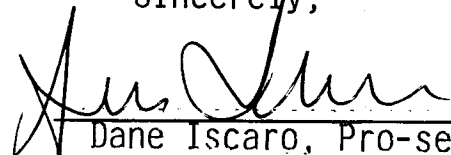
Dear Clerk,

Please find the original and judge's copy of the following documents:

1. Civil Cover Sheet;
2. Writ of Mandamus
3. Motion to Waive fees;
4. Motion for Class Certification;
5. Motion for Service by US Marshals;
6. Exhibit List; and
7. Motion to Appoint Counsel.

Thank you for your valuable time in this matter

Sincerely,

  
Dane Iscaro, Pro-se

cc: Miriam J. Aukerman, ACLU Attorney (616) 301-0930  
Michael J. Steinberg, ACLU Attorney (313) 578-6814  
Paul D. Reingold, U of M Professor (734) 763-4319  
Deborah A. Labelle, Attorney at law (734) 996-5620  
Patricia A. Streeter, (P30022) (313) 965-2937  
Daniel E. Manville, (P39731) (517) 432-8866 Clinical Professor  
Stuart G. Friedman, (P46039) (248) 359-8611 Attorney at Law  
Sandra L. Baliff Girard, Attorney at Law (517) 918-6641

he JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as rovided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the urpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

(a) PLAINTIFFS

CITIZENS FOR JUSTICE ETAL

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

JACKSON COUNTY

(c) Attorneys (Firm Name, Address, and Telephone Number)

IN PRO-PEL

DEFENDANTS

ATTORNEY GENERAL OF MICHIGAN

County of Residence of First Listed Defendant INGHAM

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) STATE ATTORNEY GENERAL DANA NESSEL

I. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

V. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<div>PERSONAL INJURY</div> <div><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel &amp; Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice</div> <div>PERSONAL INJURY</div> <div><input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</div> <div>PERSONAL PROPERTY</div> <div><input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</div>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div>PROPERTY RIGHTS</div> <div><input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark</div> <div>SOCIAL SECURITY</div> <div><input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))</div>	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<div>REAL PROPERTY</div> <div>210 Land Condemnation 220 Foreclosure 230 Rent Lease &amp; Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property</div>	<div>CIVIL RIGHTS</div> <div><input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education</div> <div>PRISONER PETITIONS</div> <div><div>Habeas Corpus:</div><div><input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty</div><div>Other:</div><div><input type="checkbox"/> 540 Mandamus &amp; Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</div></div>	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<div>FEDERAL TAX SUITS</div> <div><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</div>	

ORIGIN (Place an "X" in One Box Only)

☒ Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

I. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983, plus others

Brief description of cause: See Jurisdiction page Writ of Mandamus / Injunction

II. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ None

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

III. RELATED CASE(S) IF ANY

None

(See instructions):

JUDGE

DOCKET NUMBER

ATE

SIGNATURE OF ATTORNEY OF RECORD

OR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**CIVIL COVER SHEET FOR PRISONER CASES**

<b>Case No.</b> <u>19-13468</u>		<b>Judge:</b> <u>Laurie J. Michelson</u>	<b>Magistrate Judge:</b> <u>R. Steven Whalen</u>
<b>Name of 1<sup>st</sup> Listed Plaintiff/Petitioner:</b> Arthur J. Rouse et al		<b>Name of 1<sup>st</sup> Listed Defendant/Respondent:</b> William Barr et al	
<b>Inmate Number:</b> <u>274237</u>		<b>Additional Information:</b>	
<b>Plaintiff/Petitioner's Attorney and Address Information:</b>			
<b>Correctional Facility:</b> Parnall Correctional Facility 1780 E. Parnall Jackson, MI 49201 JACKSON COUNTY			

**BASIS OF JURISDICTION**

- ☐ 2 U.S. Government Defendant  
☒ 3 Federal Question

**ORIGIN**

- ☒ 1 Original Proceeding  
☐ 5 Transferred from Another District Court  
☐ Other:

**NATURE OF SUIT**

- ☐ 530 Habeas Corpus  
☐ 540 Mandamus  
☒ 550 Civil Rights  
☐ 555 Prison Conditions

**FEE STATUS**

- ☒ IFP *In Forma Pauperis*  
☐ PD Paid

**PURSUANT TO LOCAL RULE 83.11****1. Is this a case that has been previously dismissed?**

- ☐ Yes ☐ No

➤ If yes, give the following information:

Court: \_\_\_\_\_  
Case No: \_\_\_\_\_  
Judge: \_\_\_\_\_

**2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)**

- ☐ Yes ☐ No

➤ If yes, give the following information:

Court: \_\_\_\_\_  
Case No: \_\_\_\_\_  
Judge: \_\_\_\_\_